IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

WEDNESDAY, THE 18TH JULY 2007 / 27TH ASHADHA 1929

Crl.MC.No. 1942 of 2007()

AGAINST THE ORDER DATED 06/06/2006 IN CMP. 1478 /2006 IN RC.186/2000 of JUDL. MAGISTRATE OF FIRST CLASS COURT, KUNNAMKULAM

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PETITIONER:

K.L.JOB, S/O.LONAPPAN,
KAPPERIL HOUSE, P.O.KODASSERI, NAYARANGADI,
CHALAKKUDY, REPRESENTED BY THE POWER OF ATTORNEY
HOLDER: LONAPPAN S/O CHAKKU, KALLEY HOUSE,
KODASSERY VILLAGE, MUKUNDAPURAM TALUK.

BY ADV. SRI.C.HARIKUMAR
SRI.VIZZY GEORGE KOKKAT
SRI.ARAVINDA KUMAR BABU T.K.

RESPONDENTS:

STATE OF KERALA, REP.BY
PUBLIC PROSECUTOR, HIGH COURT OF KERALA.

BY PUBLIC PROSECUTOR ADV.SRI.GIKKU JACOB

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 18/07/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J.

Crl.M.C.No.1942 of 2007

Dated this the 18th day of July 2007

O R D E R

The petitioner has come before this court aggrieved by the impugned order under which the learned Magistrate has rejected his application for absolute release of a vehicle which is now in his custody as per an interim order of release. The vehicle concerned is a car. The prosecution has a case that it is a stolen car. The petitioner claims to be a bona fide purchaser of the car. He is not arrayed as an accused. According to the prosecution, the vehicle concerned was thieved from somewhere in North India by the miscreants. The vehicle was brought to Kerala and the vehicle was got registered on the false representation that it is a genuine vehicle. The vehicle was seized on 10/10/1998. It was released to the custody of the petitioner as per order dated 28/1/1999, subject to conditions. The petitioner is continuing to keep the vehicle in his possession as per the bond executed by him. Investigation was completed and the final report has been filed. In the final report, it is

reported that the crime remains undetected. The petitioner thereupon filed an application under Section 452 Cr.P.C for release of the vehicle. It is that application, that is dismissed by the impugned order.

2. The learned Public Prosecutor prays for six months time to make a final attempt to detect the crime. I am satisfied that the said request can be granted. The investigating officer is given six months time from today, that is till 15/12/2007 to make a further report before the learned Magistrate as to whether any further progress has been made in the attempt to detect the crime. If no such final report is filed by 15/12/2007, the petitioner shall be at liberty to approach the learned Magistrate for appropriate further directions under Section 452 Cr.P.C.

3. With the above observations, this Criminal Miscellaneous Case is dismissed.

(R.BASANT, JUDGE)

jsr

// True Copy// PA to Judge

R.BASANT, J.

CRL.M.CNo.

ORDER

21ST DAY OF MAY2007